

Form FOC 51

RESPONSE TO

MOTION REGARDING CHILD SUPPORT

Use this form if:

- you get a copy of FOC 50, Motion Regarding Child Support. By filling out this form, you are answering the statements made in the motion.

RESPONSE TO MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | File the response to motion form with the clerk's office? | YES <input type="checkbox"/> |
| 4. | Mail a copy of the response on the other party and on any other custodian/guardian? | YES <input type="checkbox"/> |
| 5. | Return to the clerk's office after you mailed the response to the other party and completed the certificate of mailing? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the response to motion form for yourself? | YES <input type="checkbox"/> |
| 7. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

You must attend the hearing on the motion.

If you cannot answer "yes" to all of the above steps, your response may not be heard at the hearing on the motion.

By using this form you are representing yourself in a court action regarding support. In order to receive the action you seek, you must follow the instructions. If you fail to do even one of the required steps, the order you get from the court may not give you the support you want. **Note:** Regardless of the amount of support you ask for, the court is required to use the Child Support Formula in deciding what support should be, unless the court finds that using the Formula would be unjust or inappropriate.

If you have questions about any step in the process, read pages 3 and 4 for details.

INSTRUCTIONS FOR USING FORM FOC 51 RESPONDING TO A MOTION

»» FILING A RESPONSE

1. Fill out the Response to Motion form.

If you receive a motion and notice of hearing from the other party, you have time before the hearing to respond in writing to the party and the court. Use the instructions on page 5. Type or print neatly. Be careful not to make mistakes.

Make at least 5 copies of the form and any attachments after you have filled it out.

2. File the Response form with the county clerk.

Take the 6 copies of the form to the county clerk in the county where the motion was filed. The name of the county will be in the upper left-hand corner of the motion form. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 51 (with any attachments) - for you
- 1 Copy of FOC 51 (with any attachments) - for other party
- 1 Copy of FOC 51 - for proof of service to the court
- 1 Copy of FOC 51 - for proof of service to the friend of the court

»» SERVING THE RESPONSE ON THE OTHER PARTY OR PARTIES

1. Serve the Response on the other party.

The other party must be notified of your response at least 5 weekdays (not including holidays) before the hearing date. Serve the papers by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 51 (with any attachments) - for the other party
- 2 Copies of FOC 51 - for proof of service
- Any additional copies of FOC 51 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies.

2. Return to the county clerk.

Once you have mailed the response and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your records.

3. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the motion and your response along with all supporting papers and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your response. Use this list as a reminder to bring up important points.
3. If you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, you are there for a hearing, and you are representing yourself. Don't interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called. If you want to tape record the hearing, you must ask the judge or referee before the hearing starts.
6. When you are called, go to the podium and clearly state the following:
 - 1) your name
 - 2) you are representing yourself
 - 3) you want to respond to the motion for a support order or to change a support order
 - 4) the facts or reasons for your response (**bring papers showing your income such as pay stubs, W-2 forms, income tax forms, etc.**)
 - 5) whether you have witnesses in court who are willing to testify

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation. Ask questions of the judge or referee if you don't understand what is being ordered.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Don't interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. After the judge or referee makes a decision, the other party must prepare the order (using the instructions for form FOC 52, "Order Regarding Support") even if it is not what is asked for in the motion or your response to the motion.

NOTE: If your hearing was held before a referee and you don't agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a hearing before the judge. Use form FOC 68, "Objection to Referee's Recommended Order".

INSTRUCTIONS FOR COMPLETING "RESPONSE TO MOTION REGARDING CHILD SUPPORT"

Please print neatly. After filling in the form, you will need to make at least 5 copies.

All items must be completed before your response can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- Before you fill in the Case No., get your copy of the Motion Regarding Support (Form FOC 50) and copy the Case No. from that paper onto this form.
- Also use the motion to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from the motion onto this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this response form.
- You are the "responding party". The other party is the "moving party". Once you have written the names where they belong, you must check the box "moving party" in the same box as the other party's name.
- **Item 1:** Check only one box. Check whether you agree or do not agree with what was said in the Motion form (FOC 50). If you check the box "do not agree", **explain in as much detail** as possible what you do not agree with and why. Use a separate sheet of paper as needed. You will need 4 copies of this sheet to attach to this form.
- **Item 2:** Check this box only if you do not agree with what was said in the Motion form (FOC 50). **Explain in as much detail** as possible what you want the court to order. Use a separate sheet of paper as needed. You will need 4 copies of this sheet to attach to this form.
- Write in today's date and sign your name.

Go to the county clerk's office with the 6 copies of this form and the 4 copies of each separate sheet. The clerk will return 4 copies to you.

- **Certificate of Mailing:** Read page 3 for details on mailing this form to the other party. On the date you mail 1 copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining 3 copies.

Return to the county clerk with 2 copies. Read page 3 for details.

You must read the directions on the legal process.